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OK/HAV

7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) CR. NO. S-05-167 DFL
12 Plaintiff,)
13) STIPULATION; ORDER
14 JOSEPH McELROY,)
15 Defendant.)

17 Defendant Joseph McElroy, through Federal Defender Daniel J.
18 Broderick, and the United States of America, through Assistant
19 U.S. Attorney Kenneth J. Melikian, agree that the trial
20 confirmation hearing scheduled for January 25, 2007, be vacated.
21 The parties further stipulate that a trial confirmation hearing be
22 placed on the court's February 8, 2007, calendar at 10:00 a.m.

23 A jury trial in this case is scheduled to start on February
24 26, 2007, and the parties are not requesting any change in that
25 date.

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1 Additionally, the court has already excluded time through
2 February 26, 2007, from computation under the Speedy Trial Act
3 pursuant to local code T4 (18 U.S.C. § 3161(h)(8)(B)(iv)).

4 | DATED: January 24, 2007 Very truly yours,

McGREGOR W. SCOTT
United States Attorney

7 By: /s/ Kenneth J. Melikian
8 KENNETH J. MELIKIAN
Assistant U.S. Attorney

10 | DATED: January 24, 2007

/s/ Kenneth J. Melikian

DANIEL J. BRODERICK

Attorney for Defendant

(Signed by Kenneth J. Melikian
per authorization by Daniel J.
Broderick)

IT IS SO ORDERED.

17 | DATED: 01/25/2007

/s/ David F. Levi

HONORABLE DAVID F. LEVI
U.S. District Court Judge